



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,721	04/16/2004	Simon I. Gresham	58479-63	9947
22504	7590	03/07/2006	EXAMINER	
DAVIS WRIGHT TREMAINE, LLP			VU, MICHAEL T	
2600 CENTURY SQUARE			ART UNIT	
1501 FOURTH AVENUE			PAPER NUMBER	
SEATTLE, WA 98101-1688			2683	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,721	Applicant(s) GRESHAM ET AL.	
	Examiner Michael Vu	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,24-29,40-45 and 52-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13,24-29,40-45 and 52-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/30/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 06/30/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 102

2. Claims 1-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Hogan (US 6,785,712).

Regarding **claim 1**, Hogan teaches a wireless electronic messaging (E-mail or facsimile) system for use in an aircraft (Fig. 3, User Laptop 13), comprising: a ground-based server (Fig. 3, Ground Server 12); an airborne server on the aircraft (Fig. 3, Airborne Server 10); a wireless up-link communicatively coupled to the ground-based server and the airborne server (Fig. 3, Air-link Interface); a display unit visible to an end-user to display partial information related to electronic messaging (Fig. 3, User Laptop 13); and an input unit responsive to the user to select electronic messaging components for transmission from the ground-based server to the airborne server (User Laptop 13 of the Airborne-based) .

Regarding **claim 2**, Hogan teaches the system of claim 1, further comprising a wireless down-link communicatively coupled to the airborne server and the ground-based server wherein the airborne server transmits user selection data to the ground-based server (Fig. 3, C1, L22-45).

Regarding **claim 3**, Hogan teaches the system of claim 2 wherein the ground-based server forwards selected components of the electronic messaging to the airborne server via the up-link based on the user selection data (Fig. 3, C6, L34-67).

Regarding **claim 4**, Hogan teaches the system of claim 1 wherein the partial information comprises electronic mail (email) information related to at least one of a list of email information comprising an email sender, an email subject, and email attachments (Fig. 3, C1, L22-61).

Regarding **claim 5**, Hogan teaches the system of claim 4 wherein the partial information related to email comprises size data indicative of a size of an email and/or an email attachment (C1, L22-61, C4, L40-67) of Hogan.

Regarding **claim 6**, Hogan teaches the system of claim 4 wherein the partial information related to email attachments comprises cost data indicative of a cost to transfer an email and/or email attachment via the up-link (Fig. 3, C1, L22-61) of Hogan.

Regarding **claim 7**, Hogan teach the system of claim 1 for use with multiple end-users, the system further comprising a display and a corresponding input unit for each of the plurality of end-users wherein one of the display units is visible to each of the end-user to display partial information related to electronic messaging for the individual end-user and the corresponding input unit is operable by the individual end-user to select electronic messaging components for the individual end-user (Fig. 1-4, C3, L31-67, C13, L55-63) of Hogan.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-13, 24-29, 40-45, 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna (US 6,788,935) in view of Hogan (US 6,785,712).

Regarding **claims 8, 24 and 52**, McKenna teaches a wireless electronic messaging system for use in an aircraft to permit electronic message communication between an airborne computer operated by a passenger and a ground-based electronic messaging system via a wireless communication link (Abstract, Fig. 1-3, C1, L58-67 to C2, L1-19), comprising: an airborne computing device on the aircraft to receive partial information related to electronic messaging for the passenger (Fig. 3, LC6, L19-67); **but is silent on** an output portion of the airborne computing device to route the received partial information to the passenger's computer; and an input portion of the airborne computing device to receive selection data from the passenger computer. However, Hogan teaches an e-mail data transfer or delivery e-mail allows passengers to send or receive electronic messages such as electronic mail or e-mail between the airborne server and ground server (Fig. 1-4, C3, L31-67, Fig. 1, passenger laptops 13 displayed message, and Fig. 3-4 uplink or downlink, C4, L19-26, C6, L34-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKenna, such that an output portion of the airborne computing device to route the received partial information to the passenger's computer; and an input portion of the airborne computing device to receive selection data from the passenger computer, to provide the capability of wherever users are, the users would be able to work or retrieve/send or delivery of electronic mail/electronic data while passengers are on board.

Regarding **claims 9, 25 and 53**, McKenna/Hogan teach the system of claim 8, further comprising a transmitter coupled to the airborne computing device to transmit the selection data to the ground-based electronic messaging system via the wireless communication link (C6, L34-65) of Hogan.

Regarding **claims 10, 26 and 54**, McKenna/Hogan teach the system of claim 8 wherein the airborne computing device receives selected components of the electronic messaging via the wireless communication link based on the user selection data (C6, L34-65) of Hogan.

Regarding **claims 11, 27 and 55**, McKenna/Hogan teach the system of claim 8 wherein the partial information comprises electronic mail (email) information related to at least one of a list of email information comprising an email sender, an email subject, and email attachments (Fig. 3, C1, L22-61).

Regarding **claims 12, 28 and 56**, McKenna/Hogan teach the system of claim 10 and 24, wherein the partial information related to email comprises size data indicative of a size of an email and/or an email attachment (C1, L22-61, C4, L40-67) of Hogan.

Regarding **claims 13, 29 and 57**, McKenna/Hogan teach the system of claim 10 and 24, wherein the partial information related to email attachments comprises cost data indicative of a cost to transfer an email and/or email attachment via the up-link (Fig. 3, C1, L22-61) of Hogan.

Regarding **claim 40**, McKenna teaches a computer-readable media to control wireless electronic messaging in an aircraft to permit electronic message communication between an airborne computer operated by a passenger and a ground-based electronic messaging system via a wireless communication link (Abstract, C1, L43-55), comprising computer instructions that cause a computer to: **but is silent on** receive partial information related to electronic messaging for a passenger; route the received partial information to the passenger's computer; and receive selection data from the passenger computer. However, Hogan teaches the hardware components are connected to the airborne computer server to transmit data from the aircraft to the ground and ground to the aircraft such as e-mail/electronic message (Fig. 2-4, C3, L31-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKenna, such that receive partial information related to electronic messaging for a passenger; route the received partial information to the passenger's computer; and receive selection data from the passenger computer, to provide the capability of wherever users are, the users would be able to work or retrieve/send or delivery of electronic mail/electronic data while passengers are on board.

Regarding **claim 41**, McKenna/Hogan teach the computer-readable media of claim 40, further comprising instructions to transmit the selection data to the ground-based electronic messaging system via the wireless communication link (Fig. 1, C3, L31-67) of Hogan.

Regarding **claim 42**, McKenna/Hogan teach the computer-readable media of claim 40, further comprising instructions to receive selected components of the electronic messaging via the wireless communication link based on the passenger selection data (C6, L20-65) of Hogan.

Regarding **claim 43**, McKenna/Hogan teach the computer-readable media of claim 40 wherein the partial information comprises electronic mail (email) information related to at least one of a list of email information comprising an email sender, an email subject, and, if the email includes an email attachment, email attachments (C6, L20-65) of Hogan.

Regarding **claim 44**, McKenna/Hogan teach the computer-readable media of claim 40 wherein the partial information related to email comprises size data indicative of a size of an email and email attachment, if any (C4, L40-67) of Hogan.

Regarding **claim 45**, McKenna/Hogan teach the computer-readable media of claim 40 wherein the partial information related to email and email attachments, if any, comprises cost data indicative of a cost to transfer an email and email attachment, if any, via the up-link (C1, L22-61) of Hogan.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitchell US 6,741,841 see document

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131.

The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu


ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER